

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TRUSTEES OF THE TEAMSTERS LOCAL 631)
 SECURITY FUND FOR SOUTHERN NEVADA,)
 et al.,)

Case No. 2:12-cv-01378-LRH-PAL

Plaintiffs,

ORDER

vs.

PERFORMANCE TRADESHOW GROUP, INC.,)

Defendant.)

The court held a show cause hearing on May 6, 2014, on its Order and Order to Show Cause (Dkt. #25) why Defendant Performance Tradeshow Group, Inc. ("Performance Tradeshow") and its president, Phillip Doughty, should not be held in contempt for their failure to comply with the court's Order (Dkt. #18) granting Plaintiffs Trustees of the Teamsters Local 631 Security Fund for Southern Nevada's and Trustees of the Teamsters Convention Industry Training Fund's Motion for Judgment Debtor Exam (Dkt. #17). Christopher Humes appeared on behalf of Plaintiffs. Neither Mr. Doughty nor a representative of Performance Tradeshow appeared.

On November 9, 2012, the district judge entered default judgment for Plaintiffs against Defendant Performance Tradeshow Group, Inc. ("Performance Tradeshow"). In an Order (Dkt. #11) entered December 18, 2012, the court granted Plaintiff's Motion for a Judgment Debtor Examination, allowing Plaintiffs to conduct a deposition pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure. (Dkt. #17). The Order also required Performance Tradeshow's corporate designee to produce certain documents related to Performance Tradeshow's assets. *See* Order (Dkt. #11). Plaintiffs served the court's Order on Performance Tradeshow's registered agent. *See* Affidavit of Service (Dkt. #15).

1 Performance Tradeshow failed to produce a witness to appear at the court-ordered Rule 30(b)(6)
2 deposition. The court entered an Order to Show Cause (Dkt. #14) on March 5, 2013, ordering P
3 erformance Tradeshow to show cause why contempt and other sanctions should not be imposed for its
4 failure to appear for a duly-noticed deposition. Plaintiffs served the Order on Performance Tradeshow's
5 registered agent. *See* Affidavit of Service (Dkt. #15). Performance Tradeshow did not respond to the
6 Order to Show Cause.

7 On July 16, 2013, Plaintiffs filed a Motion for Judgment Debtor Exam (Dkt. #17), seeking to
8 conduct a judgment debtor exam of Performance Tradeshow's president, Mr. Phillip Doughty. In an
9 Order (Dkt. #18) entered July 22, 2013, the court granted Plaintiffs' Motion and directed Mr. Doughty
10 to appear on August 14, 2013, for a judgment debtor examination and to produce certain documents
11 concerning Performance Tradeshow's assets. On September 13, 2013, the court vacated its Order to
12 Show Cause in light of the scheduled judgment debtor exam. *See* Order (Dkt. #19).

13 Plaintiffs served Mr. Doughty by leaving copies of the Order (Dkt. #18) with persons of suitable
14 age at Mr. Doughty's last known addresses at 5239 E. Owens Ave., Las Vegas, Nevada, 89110 and
15 4790 E. Chicago Ave., Las Vegas, Nevada, 89140 on June 26, 2013. *See* Hoover Affidavit, attached to
16 Motion as Exhibit 2. However, neither Mr. Doughty nor any other officer, director, or managing agent
17 of Performance Tradeshow appeared for the judgment debtor exam. *See* Court Reporter's Certificate of
18 Nonappearance, attached to Motion as Exhibit 3. Mr. Doughty has not provided any notice or
19 explanation to Plaintiff for his failure to appear and produce documents as directed by the court.

20 On April 15, 2014, the court entered an Order and Order to Show Cause (Dkt. #25) requiring
21 Performance Tradeshow and Phillip Doughty to show cause, in writing, no later than May 5, 2014, why
22 contempt and other sanctions should not be imposed for their failure to comply with the court's Order
23 (Dkt. #18). The Order to Show Cause (Dkt. #25) set a hearing for Tuesday May 6, 2014, at 9:00 a.m.
24 Plaintiffs' process server, Lane Paige, served the Order to Show Cause on Performance Tradeshow
25 through its president, Phillip Doughty, at his residence by personally delivering and leaving a copy with
26 Amanda, a person of suitable age and discretion, at 4790 E. Chicago Ave., Las Vegas, NV, 89110, on
27 April 21, 2014. *See* Affidavit of Service (Dkt. #26).

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1 Phillip Doughty did not respond to the court's Order to Show Cause, and he did not appear at
2 the hearing on the Order to Show Cause. The court's Order to Show Cause warned Mr. Doughty that
3 failure to comply with the Order to Show Cause would result in the imposition of sanctions up to and
4 including a bench warrant for his arrest to compel his compliance with the court's Orders.

5 Accordingly,

6 **IT IS ORDERED:**

- 7 1. The Clerk of the Court shall issue a bench warrant for Phillip Doughty's arrest.
- 8 2. The United States Marshal's Service may issue a notice to appear in lieu of arrest before
9 executing the bench warrant and physically arresting Mr. Doughty. The notice to appear
10 in lieu of arrest shall compel Mr. Doughty to appear at a hearing on **June 3, 2014, at**
11 **8:45 a.m.** If Mr. Doughty responds to the notice to appear and promises to appear, the
12 court will stay execution of the bench warrant. If Mr. Doughty does not respond to the
13 notice to appear in lieu of arrest, the United States Marshal's Service shall execute the
14 bench warrant.
- 15 3. A hearing is set for **June 3, 2014, at 8:45 a.m. in Courtroom 3B.**

16 Dated this 6th day of May, 2014.

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20 PEGGY A. LEEN
21 UNITED STATES MAGISTRATE JUDGE
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